REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

1.   Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2.   An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: It is unclear from the admission what was known or used by others, whether there were any acts that would constitute an offer for sale, whether there were any public disclosures, or where such acts or disclosures occurred.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

The declaration of the assignee's representative is attached (see attached Exhibits A-D).

12.   Claim 2 is objected to because of the limiting phrase, "minimum false negatives or minimum false positives" in the third and fourth lines of the claim.

Applicant is reminded of § 1.75 wherein the claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

Appropriate correction is required.

Amendments have been made.

14.   Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-28 appear to be directed to an abstract idea rather than a practical application of an abstract idea which would produce a "useful, concrete, and tangible result." This claimed subject matter lacks a practical application of a judicial exception since it fails to produce a useful, concrete and tangible result.

For example, claims 1 and 6 are directed towards a "user", which may not be held to be a concrete result, and therefore non-statutory subject matter. Usually, a claimed invention is not concrete when a result cannot be assured or is not reproducible. The result must be substantially repeatable. The claims as written are directed towards subjective subject matter.

Another example, claim 2 is again directed towards the "user" and also enabling "as appropriate", which may not be held to be a concrete result, and therefore non- statutory subject matter. Usually, a claimed invention is not concrete when a result cannot be assured or is not reproducible. The result must be substantially repeatable. The claim as written is directed towards subjective subject matter.

Moreover, the claimed invention must accomplish a practical application i.e., it must produce a "useful, concrete, and tangible result."

...

When a rejection under 35 USC § 101 is made for lacking concreteness and the invention cannot operate as intended without undue experimentation because of the lack of repeatability or predictability, the 35 USC § 101 rejection is accompanied by a lack of concreteness rejection under 35 USC § 112, first paragraph.

Amendments have been made.

17.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

18.   Claim 2 recites the limitation "the user interface display project goals" in Line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

19.   Claim 2 recites the limitation "the interval" in Line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

20.   Claim 4 recites the limitation "the fiV" in Line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

21.   Claim 5 recites the limitation "the training" in Line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

22.   Claim 6 recites the limitation "the validated model development process" in Lines
3-4   of the claim. There is insufficient antecedent basis for this limitation in the claim.

23.   Claim 9 recites the limitation "the validated model" in Lines 2-3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

24.   Claim 9 recites the limitation "the score" in Line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

25.   Claim 11 recites the limitation "the training" in Line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

26.   Claim 12 recites the limitation "the interval" in Line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

27.   Claim 14 recites the limitation "the subsample" in Line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

28.   Claim 14 recites the limitation "the possible" in Line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

29.   Claim 28 recites the limitation "the final" in Line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

30.   Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps. See MPEP §2172.01. Claims 1 and 6 are method claims without steps.

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Amendments have been made.

32.   Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lazarus et al. (U.S. Patent Number 6,430,539).

As to independent claim 1, Lazarus discloses a machine-base method comprising in connection with a project in which a user generates a predictive model based on historical data about a system being modeled (see Col. 4, Lines 11-16), enabling the user to validate a model process with a predictive model between at least two subsets of the historical data (see Col. 34, Lines 21-64).

As to independent claim 6, Lazarus discloses a machine-based method comprising in connection with a process in which a user generates a predictive model based on historical data about a system being modeled using the validated model development process (see Col. 4, Lines 11-28), enabling automatic transformations of variables of the data, automatic generation of a predictive model, and automatically generating performance measures of the model on at least two independent datasets of historical data (see Col. 4, Lines 11-28; and Col. 11, Lines 8-23).

The applicant disagrees. Lazarus uses a conventional approach in which a specific model is validated using a validation subset of the historical data. In contrast, claim 1 recites that what is validated is not the specific model, but rather the "model development process". Some implementations, for example, validate the model process, as well as the sequence of dimension reductions and the model method. Once those are validated, the 'validated' model is discarded and all of the historical data is used automatically create a new model, the finalized model, which is used for scoring. Claim 6 similarly refers to "a validated model development process", which distinguishes the claim from Lazarus' validation of a specific model that is then used for scoring. Lazarus did not describe and would not have made obvious the combination of features of claims 1 and 6.

As to dependent claim 2, ...

As to dependent claim 3, ...

As to dependent claim 4, ...

As to dependent claim 5, ...

As to dependent claim 7, ...

As to dependent claim 8, ...

As to dependent claim 9, ...

As to dependent claim 10, ...

As to dependent claim 11, ...

As to dependent claim 12, ...

As to dependent claim 13, ...

As to dependent claim 14, ...

As to dependent claim 15, ...

As to dependent claim 16, ...

As to dependent claim 17, ...

As to dependent claim 18, ...

As to dependent claim 19, ...

As to dependent claim 20, ...

As to dependent claim 21, ...

As to dependent claim 22, ...

As to dependent claim 23, ...

As to dependent claim 24, ...

As to dependent claim 25, ...

As to dependent claim 26, ...

As to dependent claim 27, ...

As to dependent claim 28, ...

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Enclosed is a Petition for Three Month Extension of Time. The fees in the amount of $525 are being paid concurrently on the Electronic Filing System (EFS) by a Deposit Account
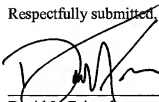
authorization. Please apply any other required fees to deposit account 06-1050, referencing the

attorney docket number shown above.

Respectfully submitted,

Date:_____ 10/1/7   _____
                                          David L. Feigenbaum
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